Supreme Court, U.S.
FILED
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No. 15-108

IN THE
Supreme Court of the United States

THE COMMONWEALTH OF PUERTO RICO,
Petitioner,

v.

LUIS M. SÁNCHEZ VALLE AND
JAIME GÓMEZ VÁZQUEZ,
Respondents.

On Writ of Certiorari
to the Supreme Court of Puerto Rico

JOINT APPENDIX

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November 16, 2015

PETITION FOR WRIT OF CERTIORARI FILED JULY 17, 2015
CERTIORARI GRANTED OCTOBER 1, 2015

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[CERTIFIED TRANSLATION] SUPR 1432479

Puerto Rico Judicial Branch

08 OCT 2015 14:32

1 5 CONSULTATION MULTIPLE DOCUMENTS PER CASE

NEXT ACTION REP GOOD CONSULTATION, REPETITIVE FORM

SUBORDINATE :CC02013-0072

T213 SCREENS REPORTS | CASE NUMBER | CC-2013-0068 | THE PEOPLE OF PUERTO RICO-SANCHEZ VALLE, LUIS CERTIORARI

DATE AND TIME		130113 1248	
051015	0945	NOTICE	US SUPREME COURT
270715	1036	NOTICE	USA SUPREME COURT
110615	1032	NOTICE	SUPREME COURT OF USA
100415	1327	RETURNED MAIL	MAIL
061113	1546	MOTION UNDER RULE 33 (K)	PEOPLE PR
200813	1245	MOTION TO CONSOLIDATE	PET
020513	1026	EXECUTED ORDER	MARSHALLS
230113	1248	PETITION FOR CERTIORARI	PET

CERTIFICATION

I, Aida Ileana Oquendo Graulau, Clerk of the Supreme Court of Puerto Rico, hereby CERTIFY:

That the present document is a printout of the automated case system used by the Supreme Court of Puerto Rico, that reflects the writs filed or received to this date in case CC-2-13-0068. *Pueblo de Puerto Rico v. Luis Sánchez Valle.*

In witness whereof, and at the request of the Commonwealth of Puerto Rico, I issue the certification herein duty-free under my signature and the seal of the Supreme Court of Puerto Rico, today, October 8, 2015.

[Round ink stamp:
COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
COURT OF FIRST INSTANCE
CAROLINA SUPERIOR COURT
Fl 35 (illegible initials)]

[Signed: AI Oquendo]
Aida Ileana Oquendo Graulau
Clerk of the Supreme Court

CERTIFICATE OF TRANSLATION INTO ENGLISH

I, Barbara M. Cohen, of legal age, married, resident of Fiesta, CA, professional interpreter/ translator, certified by the Administrative Office of the United States Courts and an accredited member in good standing of the American Translators Association, do **HEREBY CERTIFY** that I have personally revised the foregoing document and that it is a true and accurate revised to the best of my knowledge and abilities.

In San Juan, Puerto Rico, today, November 9, 2015.

Barbara M. Cohen

ATABEX TRANSLATION SPECIALISTS, Inc
P.O. Box 195044, San Juan, PR 00919-5044

[CERTIFIED TRANSLATION] SUPR 14331392

Puerto Rico Judicial Branch

08 OCT 2015 14:32

1 5 CONSULTATION MULTIPLE DOCUMENTS PER CASE

NEXT ACTION REP GOOD CONSULTATION, REPETITIVE FORM

SUBORDINATE :CC2013-0068

T213 SCREENS REPORTS	CASE NUMBER		CC-2013-0068	THE PEOPLE OF PUERTO RICO-GOMEZ VAZQUEZ, JAIME
	DATE AND TIME		240113 1626	CERTIORARI
	051015	0945	NOTICE	US SUPREME COURT
	270715	1036	NOTICE	USA SUPREME COURT
	110615	1032	NOTICE	SUPREME COURT OF USA
	061113	1546	MOTION UNDER RULE 33 (c)	PEOPLE PR
	120813	1535	APPEALED ARGUMENT	PR
	090813	1628	INFORMATIVE MOTION	JAIME GOMEZ VAZQUEZ
	070813	0923	SPECIAL APPEARANCE	ATTY. HERNANDEZ LOPEZ DE
	160713	1112	MOTION TO CORRECT AND AMEND	PET
	120713	1656	BRIEF FOR PETITION	PET
	180613	1418	MOTION FOR EXTENSION OF TIME	PET
	220513	1411	ORIGINAL RECORD	CA
	020513	1026	EXECUTED ORDER	MARSHALLS
	240113	1626	PETITION FOR CERTIORARI	PET

CERTIFICATION

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That the present document is a printout of the automated case system used by the Supreme Court of Puerto Rico, that reflects the writs filed or received to this date in case CC-2-13-0068. *Pueblo de Puerto Rico v. Jaime Gómez Vázquez.*

In witness whereof, and at the request of the Commonwealth of Puerto Rico, I issue the certification herein duty-free under my signature and the seal of the Supreme Court of Puerto Rico, today, October 8, 2015.

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GENERAL COURT OF JUSTICE
COURT OF FIRST INSTANCE
CAROLINA SUPERIOR COURT
FI 35 (illegible initials)]

[Signed: AI Oquendo]
Aida Ileana Oquendo Graulau
Clerk of the Supreme Court

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In San Juan, Puerto Rico, today, November 9, 2015.

Barbara M. Cohen

ATASEX TRANSLATION SPECIALISTS, Inc
P.O. Box 195044, San Juan, PR 00919-5044

[CERTIFIED TRANSLATION]

[Translator's note: At the client's request only selected text on this letter has been translated into English]

[Round stamp:
COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
COURT OF APPEALS

Commonwealth of Puerto Rico
GENERAL COURT OF JUSTICE
COURT OF APPEALS
Box 191067
San Juan, Puerto Rico 00919-1067

Dimarie Alicea Lozada, Esq. Tel. (787) 474-3778
Clerk of the Court Fax. (787) 753-5372

October 16, 2015

Monica M. Cordero Vázquez
Assistant General Prosecutor

RE: PUEBLO V. LUIS SANCHEZ VALLE, JAIME GOMEZ VAZQUEZ, RENE BETANCOURT AND RAFAEL DELGADO (KLCE2012-1032, 1325)

KLCE2012-1032 Luis Sánchez Valle

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		12/19/2012 Mandate

Cordially

[illegible signature]
Dimarie Alicea Lozada

CERTIFICATE OF TRANSLATION INTO ENGLISH

I, Barbara M. Cohen, of legal age, married, resident of Fiesta, CA, professional interpreter/ translator, certified by the Administrative Office of the United States Courts and an accredited member in good standing of the American Translators Association, do HEREBY CERTIFY that I have personally revised the foregoing document and that it is a true and accurate revised to the best of my knowledge and abilities.

In San Juan, Puerto Rico, today, November 9, 2015.

Barbara M. Cohen

ATABEX TRANSLATION SPECIALISTS, Inc
P.O. Box 195044, San Juan, PR 00919-5044

[CERTIFIED TRANSLATION]

Commonwealth of Puerto Rico
General Court of Justice
COURT OF FIRST INSTANCE
Carolina Judicial Center

Miriam Rosa Maldonado
Regional Clerk

PO Box 267
Carolina, PR 00986-0267

CERTIFICATION

I, Miriam Rosa Maldonado, Regional Clerk of the Court of First Instance, Carolina Part, hereby CERTIFY:

The following documents pertain to cases VP08-2802 to 2804, of Luis M. Sánchez Valle.

Sept. 23, 2008	Authorization to Submit the case before a Magistrate
Sept.26, 2008	3 Complaints
Sept. 29,2008	Special Warnings
Sept.29, 2008	Commitment Order
Sept. 26, 2008	Arrest Warrant / Luis M. Sanchez Valle
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April, 3, 2009	Summons
May 29, 2009	Summons
July 7, 2009	Summons
Aug 3, 2009	Petition
Aug 6, 2009	Summons
Aug 17, 2009	Motion in Compliance with Order to Inform and State the Position of the Office of the Prosecutor
Sept 15, 2009	Petition
Sept 16, 2009	Writ of Habeas Corpus Ad Prosequendum
Sept 16, 2009	Order
Sept 22, 2009	Summons

Dec 18, 2009	Notice
April 21, 2010	Summons
June 15,2010	Motion in Compliance with Order and Request for Dismissal
June 23,2010	Motion Opposing Motion for Dismissal
June 26,2012	Resolution
Nov. 5,2012	Amended Notice of Judgment

In witness whereof and at the request of Monica M. Cordero Vazquez, Esq., Solicitor General of the Department of Justice, I issue the certification herein duty-free under my signature and the seal of the Court.

In Carolina, Puerto Rico, October 15, 2015.

[Signed: M. Rosa]
Miriam Rosa Maldonado
Regional Clerk

[Round ink stamp:
COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
COURT OF FIRST INSTANCE
CAROLINA SUPERIOR COURT
F135 (illegible initials)]

CERTIFICATE OF TRANSLATION INTO ENGLISH

I, Barbara M. Cohen, of legal age, married, resident of Fincia, CA, professional interpreter/ translator, certified by the Administrative Office of the United States Courts and an accredited member in good standing of the American Translators Association, do HEREBY CERTIFY that I have personally revised the foregoing document and that it is a true and accurate revised to the best of my knowledge and abilities.

In San Juan, Puerto Rico, today, November 9, 2015.

Barbara M. Cohen

ATABEX TRANSLATION SPECIALISTS, Inc
P.O. Box 195044, San Juan, PR 00919-5044

[CERTIFIED TRANSLATION]

Commonwealth of Puerto Rico
General Court of Justice
COURT OF FIRST INSTANCE
Carolina Judicial Center

Miriam Rosa Maldonado
Regional Clerk

PO Box 267
Carolina, PR 00986-0267

CERTIFICATION

I, Miriam Rosa Maldonado, Regional Clerk of the Court of First Instance, Carolina Part, hereby CERTIFY:

The following documents pertain to cases VP08-2805 to 2807, of Jaime A. Gómez Vázquez.

Sept 23, 2008	Authorization to Submit the case before a Magistrate
Sept 26, 2008	3 Complaints
Sept 26, 2008	Arrest Warrant / Jaime A. Gómez Vázquez
Sept 29, 2008	Special Warnings
Sept 29, 2008	Summons of Defendant and Witness Subpoena
Sept 29, 2008	Certification
Oct 7, 2008	Witnesses Subpoenaed for Preliminary Hearing / Off. Abraham Sanchez
Oct 7, 2008	Witnesses Subpoenaed for Preliminary Hearing / Off. Artemio Amaro
Oct 15,2008	Summons
Nov 26, 2009	Summons
Dec 5,2008	Summons
March 3, 2009	Summons to Preliminary Hearing
March 13, 2009	Summons
April 3, 2009	Summons
May 29, 2009	Summons
July 8, 2009	Summons to Preliminary Hearing / Off. Abraham Sanchez
July 8, 2009	Summons to Preliminary Hearing / Off. Artemio Amaro
Aug 5, 2009	Urgent Informative Motion Requesting Release from Supervision and Arrest Warrant
Aug 17 2009	Motion in Compliance with Order to Inform and State the Position of the Office of the Prosecutor
Aug 27, 2009	Motion in Compliance with Order
Sept 15, 2009	Petition
Sept 16, 2009	Writ of Habeas Corpus Ad Prosequendum
Sept. 16, 2009	Order
Sept. 22, 2009	Summons
Aug. 27, 2010	Motion in Compliance with Order and Requesting Dismissal of Complaints Pursuant to Constitutional Right against Double Jeopardy
Oct. 21, 2010	Motion Opposing Motion for Dismissal
Nov. 3, 2010	Notice
June 26, 2012	Resolution
Nov. 5, 2012	Amended Notice of Judgment

In witness whereof and at the request of Monica M. Cordero Vazquez, Esq., Solicitor General of the Department of Justice, I issue the certification herein duty-free under my signature and the seal of the Court.

In Carolina, Puerto Rico, October 15, 2015.

[Signed: M. Rosa]
Miriam Rosa Maldonado
Regional Clerk

[Round ink stamp:
COMMONWEALTH OF PUERTO RICO
GENERAL COURT OF JUSTICE
COURT OF FIRST INSTANCE
CAROLINA SUPERIOR COURT
F135 (illegible initials)]

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In San Juan, Puerto Rico, today, November 9, 2015.

Barbara M. Cohen

ATABEX TRANSLATION SPECIALISTS, Inc
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RECEIVED AND FILED CLERK'S OFFICE U.S. DISTRICT COURT SAN JUAN, PR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1) HECTOR GOMEZ-PASTRANA, aka Trompe,
2) LUIS SANCHEZ VALLE, aka Pepo Defendants,

INDICTMENT

Criminal No. 09-254 (FAB)

Violations:
Title 18, *United States Code*, Sections 922(a)(1), 924(d) and 2;
Title 28, *United States Code*, Section 2461(c)

(FIVE COUNTS)

THE GRAND JURY CHARGES:

COUNT ONE

(Dealing in firearms without a license)
Title 18, *United States Code*. Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D).

On or about March 22, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) HECTOR GOMEZ PASTRANA aka Trompe,

the defendant herein, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in business

of dealing firearms, that is, said defendant sold one (1) Smith & Wesson pistol, black in color, model SW9VE, caliber 9mm, serial number PDW2536, loaded with sixteen (16) rounds of ammunition of its own caliber; and additional magazine loaded with sixteen (16) rounds of caliber 9mm ammunition and a box with forty nine (49) rounds of caliber 9mm ammunition, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D).

COUNT TWO

(Dealing in firearms without a license)
Title 18, *United States Code*, Sections
922(a)(1)(A), 923(a) and 924(a)(1)(D)

On or about April 18, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) HECTOR GOMEZ PASTRANA aka Trompe,

the defendant herein, not being a licensed dealer of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendant sold one (1) Ruger pistol, chrome in color, model P94, caliber 9mm, serial number 308-45129, loaded with ten (10) rounds of ammunition of its own caliber to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D).

COUNT THREE
(Dealing in firearms without a license)
Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D).

On or about May 7, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) HECTOR GOMEZ PASTRANA aka Trompe,

the defendant herein, not being a licensed dealer or importer of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendant sold one (1) Yugoslavia Rifle, black in color, model 59/66, caliber 7.62, serial number 0-579616, to a Police of Puerto Rico Undercover Agent, which firearm had been shipped in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D).

COUNT FOUR
(Dealing in firearms without a license, Aiding and Abetting)
Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D) and 2

On or about August 22, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) HECTOR GOMEZ-PASTRANA aka Trompe,
2) LUIS SANCHEZ VALLE, aka Pepo,

the defendants herein, aiding and abetting each other, not being licensed dealers or importers of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the

business of dealing firearms, that is, said defendants sold one (1) FM pistol, black in color, model detective, caliber 9mm, serial number 345064 with one magazine and twenty three (23) rounds of caliber 9mm ammunition, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a),924(a)(1)(D) and 2.

COUNT FIVE
(Firearms and Ammunition Forfeiture Allegation)
Title 18, *United States Code*, Sections 924(d) and Title 28, *United States Code*, Section 2461(c)

The allegations contained in Counts One through Five of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c).

Upon conviction of the offense in violation of Title 18, *United States Code*, Sections 922(a)(1)(A) and 2, set forth in Counts One through Five of this Indictment, the defendants,

1) HECTOR GOMEZ-PASTRANA aka Trompe,
2) LUIS SANCHEZ VALLE, aka Pepo

shall forfeit to the United States pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c), any firearms and ammunition involved or used in furtherance of the commission of the drug trafficking offense,

including, but not limited to: one (1) Smith & Wesson pistol, black in color, model SW9VE, caliber 9mm, serial number PDW2536, loaded with sixteen (16) rounds of ammunition of its own caliber; and additional magazine loaded with sixteen (16) rounds of caliber 9mm ammunition and a box with forty nine (49) rounds of caliber 9mm ammunition; one (1) Ruger pistol, chrome in color, model P94, caliber 9mm, serial number 308-45129, loaded with ten (10) rounds of ammunition of its own caliber; one (1) Yugoslavia Rifle, black in color, model 59/66, caliber 7.62, serial number O-579616; one (1) FM pistol, black in color, model detective, caliber 9mm, serial number 345064 with one magazine and twenty three (23) rounds of caliber 9mm ammunition.

If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, *United States Code*, Section 853(p), as incorporated by Title 28, *United States Code*, Section 2461(c). All pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c).

TRUE BILL

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

Date: 7/28/09

/s/ José Ruiz-Santiago
José Ruiz-Santiago
Assistant United States Attorney
Chief, Criminal Division

/s/ Warren Vazquez
Warren Vazquez
Chief, Violent Crimes Unit

/s/ Carmen M. Marquez
Carmen M. Marquez
Assistant United States Attorney

RECEIVED AND
FILED
OCT 09 2009
CLERK'S OFFICE
U.S. DIST. COURT

UNITED STATES DISTRICT COURT FOR
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

LUIS SANCHEZ-VALLE,

Defendant,

CASE NO. 09-254 (FAB)

PLEA AGREEMENT

(Pursuant to Rule 11 (c)(1)(A) & (B) FRCP)

TO THE HONORABLE COURT:

COMES NOW the United States of America through its counsel Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico, José Ruíz-Santiago, Assistant United States Attorney, Chief, Criminal Division, Warren Vázquez, Assistant U.S. Attorney, Chief, Violent Crimes Unit, Carmen M. Márquez-Marín, Assistant U.S. Attorney. defendant's counsel, Joseph A. Boucher-Martinez, Esq. and the defendant Luis Sanchez-Valle, pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, state to this Honorable Court, that they have reached an agreement, the terms and conditions of which are as follows:

1. **COUNTS TO WHICH DEFENDANT PLEADS GUILTY**

The defendant agrees to plead guilty to **Counts Four** and **Five** of the Indictment.

Count Four charges: On or about August 22, 2008, in the District of Puerto Rico and within the jurisdiction of this Court, **[1] Hector Gomez-Pastrana**, and **[2] Luis Sanchez-Valle**, the defendants herein, aiding and abetting each other, not being licensed dealers or importers of firearms, within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendants sold one (1) FM pistol, black in color, model detective, caliber 9mm, serial number 345064 with one magazine and twenty three (23) rounds of caliber 9mm ammunition, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, 922(a)(1)(A), 923(a) and 924(a)(1)(D) and 2.

Count Five is a firearm and ammunition forfeiture allegation.

2. MAXIMUM PENALTIES

The penalty for the offense charged in **Count Four** of the Indictment is a term of imprisonment of not more than five (5) years and a fine not to exceed $250,000.00, a term of supervised release of not more than one (1) year, all pursuant to Title 18, *United States Code*, Section 924(a)(1)(D).

3. APPLICABILITY OF SENTENCING GUIDELINES

Defendant acknowledges that the Court may impose a sentence in accordance with the applicable provision(s) of the Sentencing Guidelines, Title 18 *United States Code*, Section 3551, *et seq.* (hereinafter Guidelines), which are now advisory. Further, the

defendant acknowledges to be aware that parole has been abolished and the imposition of sentence may not be suspended.

4. SPECIAL MONETARY ASSESSMENT

Prior to defendant's change of plea hearing, the defendant shall pay a special monetary assessment of one hundred dollars ($100.00) per count of conviction.

5. FINES AND RESTITUTION

The defendant is aware that the Court may, pursuant to Section 5E1.2 of the *Sentencing Guidelines Manual*, order the defendant to pay a fine sufficient to reimburse the government for the costs of any imprisonment, probation or supervised release ordered and also the Court may impose restitution. As part of this Plea Agreement, the defendant agrees to produce complete information regarding all restitution victims and defendant agrees to execute a financial statement to the United States (OBD Form 500), The United States will make no recommendations as to the imposition of fines or restitution.

6. RULE 11(c)(1)(B) WARNINGS

The defendant is aware that the defendant's sentence is within the sound discretion of the sentencing judge and the advisory Sentencing Guidelines (including the *Guidelines Policy Statements*, *Application*, and *Background Notes*). The defendant understands and acknowledges that the Court is not a party to this Plea Agreement and thus, is not bound by this agreement or the sentencing calculations and/or recommendations contained herein. Defendant specifically

acknowledges and admits that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for the offense to which the defendant pleads guilty.

Defendant is aware that the court may accept or reject the Plea Agreement, or may defer its decision whether to accept or reject the Plea Agreement until it has considered the pre-sentence report. Should the Court impose a sentence up to the maximum established by statute, the defendant cannot, for that reason alone, withdraw the guilty plea, and will remain bound to fulfill all of the obligations under this Plea Agreement.

7. SENTENCING GUIDELINES CALCULATIONS

Although the Guidelines are now advisory, *United States v. Booker*, 125 S. Ct. 738, 744, 160 L.Ed.2d 621 (2005), makes clear the sentencing court is required to consider the Guidelines "sentencing range established for ... the applicable category of offense committed by the applicable category of defendant" in imposing sentence. *Booker*, 125 S.Ct. at 744. Therefore, the United States and the defendant submit the following advisory Sentencing Guidelines calculations:

SENTENCE GUIDELINES CALCULATION-COUNT FOUR	
BASE offense level [U.S.S.G. § 2K2.1(7)]	**12**
Specific offense characteristics [U.S.S.G § 2K2.1 (b)(5)]; • **Since the defendant engaged in the trafficking of firearms**	**+4**
Minor Participant [[U.S.S.G. § 3B1.2]	**-2**
Acceptance of Responsibility pursuant to [U.S.S.G. § 3E1.1]	**-3**

ADJUSTED OFFENSE LEVEL	11

* * * * There is no stipulation as to defendant's Criminal History Category If he is in: CHC I.....8-14 months imprisonment CHC II.....10-16 CHC III.....12-18 CHC IV.....18-24	

8. SENTENCE RECOMMENDATION

The parties agree to recommend to the Court, that the defendant be sentenced at the lower end of the applicable sentencing guideline.

9. NO FURTHER ADJUSTMENTS OR DEPARTURES

The United States and the defendant agree that no further adjustment or departures to the defendant's adjusted offense level shall be sought by the parties. The parties agree that any recommendation for a different term of imprisonment would constitute a material breach of the plea agreement.

10. SATISFACTION WITH COUNSEL

The defendant represents to the Court to be satisfied with defendant's counsel Joseph A. Boucher-Martinez, Esq. and indicates that counsels have rendered effective legal assistance.

11. RIGHTS SURRENDERED BY DEFENDANT THROUGH GUILTY PLEA

Defendant understands that by entering into this agreement, defendant surrenders certain rights as provided in this agreement. Defendant understands that the rights of criminal defendants include the following:

a. If the defendant had persisted in a plea of not guilty to the charges, defendant would have had the right to a speedy jury trial with the assistance of counsel. The trial may be conducted by a judge sitting without a jury if the defendant, the United States and the judge agree.

b. If a jury trial is conducted, the jury would be composed of twelve lay persons selected at random. The defendant and the defendant's attorney would assist in selecting the jurors by removing prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges. The jury would have to agree, unanimously, before it could return a verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent, that it could not convict the defendant unless, after hearing all the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt, and that it was to consider each charge separately.

c. If a trial is held by the judge without a jury, the judge would find the facts and, after hearing all the evidence and considering each count .separately, determine whether or not the evidence established the defendant's guilt beyond a reasonable doubt.

d. At a trial, the United States would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those witnesses and defendant's attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence on defendant's own behalf. If the witnesses for the defendant would not appear voluntarily,

defendant could require their attendance through the subpoena power of the Court.

e. At a trial, the defendant could rely on the privilege against self-incrimination to decline to testify, and no inference of guilty could be drawn from the defendant's refusal to testify. If the defendant desired to do so, the defendant could testify on the defendant's own behalf.

12. STATEMENT OF FACTS

The accompanying Statement of Facts signed by the defendant is hereby incorporated into this Plea Agreement. Defendant adopts the Statement of Facts and agrees that the facts therein are accurate in every respect and, had the matter proceeded to trial, that the United States would have proven those facts beyond a reasonable doubt.

13. LIMITATIONS OF PLEA AGREEMENT

This plea agreement binds only the United States Attorney's Office for the District of Puerto Rico and the defendant; it does not bind any other federal district, state or local authorities

14. ENTIRETY OF PLEA AGREEMENT

This written agreement constitutes the complete Plea Agreement between the United States, the defendant, and the defendant's counsel. The United States has made no promises or representations except as set forth in writing in this plea agreement and deny the existence of any other term and conditions not stated herein.

15. AMENDMENTS TO PLEA AGREEMENT

No other promises, terms, conditions will be entered unless in writing, signed by all parties.

16. VOLUNTARINESS OF GUILTY PLEA

The defendant acknowledges that no threats have been made against the defendant and that the defendant is pleading guilty freely and voluntarily because the defendant is guilty.

17. WAIVER OF APPEAL

The defendant hereby agrees that if this Honorable Court accepts this Plea Agreement and sentences him according to its terms, conditions and recommendations, defendant waives and surrenders his right to appeal the judgment and sentence in this case.

RESPECTFULLY SUBMITTED.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

/s/ José Ruíz Santiago
José Ruíz Santiago
Assistant U.S. Attorney
Chief, Criminal Division
Dated: 9/28/09

/s/ Joseph A. Boucher-Martinez
Joseph A. Boucher-Martinez, Esq.
Counsel for Defendant
Dated:

/s/ Warren Vázquez
Warren Vázquez
Assistant U.S. Attorney
Acting Deputy Chief,
Violent Crimes Unit

/s/ Luis Sanchez-Valle
Luis Sanchez-Valle
Defendant
Dated: 9/10/09

/s/ Carmen M. Marquez-Marin
Assistant U.S. Attorney
Dated: 9/28/09

I have consulted with my counsel and fully understand all of my rights with respect to the Indictment pending against me. Further, I have consulted with my attorney and fully understand my rights with respect to the provisions of the

Sentencing Guidelines, Policy Statements, Application, and *Background Notes* which may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with your attorney. I fully understand this agreement and I voluntarily agree to it.

Date: 10/9/09 */s/ Luis Sanchez-Valle*
Luis Sanchez-Valle
Defendant

I am the attorney for the defendant. I have fully explained to the defendant his rights with respect to the pending Indictment. Further, I have reviewed the provisions of the *Sentencing Guidelines, Policy Statements, Application*, and *Background Notes*, and I have fully explained to the defendant the provisions of those guidelines which may apply in this case. I have carefully reviewed every part this Plea Agreement with the defendant. To my knowledge, the defendant is entering into this agreement voluntarily, intelligently and with full knowledge of all consequences of defendant's plea of guilty.

Date: 10/9/09 */s/ Joseph A. Boucher-Martinez*
Joseph A. Boucher-Martinez, Esq.
Counsel for Defendant

STATE OF FACTS

On or about August 22, 2008 Luis Sanchez-Valle and others sold one (1) FM pistol, black in color, model detective, caliber 9mm, serial number 345064 with one magazine and twenty three (23) rounds of caliber 9mm ammunition, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce.

At trial, the United States would have proven beyond a reasonable doubt that defendant Luis Sanchez-Valle is guilty as charged in Count Four of the Indictment by presenting; the (a) physical evidence seized, such as, [the] FM pistol with one magazine and twenty three (23) rounds of caliber 9mm ammunition sold by the defendant; (b) documentary evidence, including but not limited to records showing that Luis Sanchez-Valle is not a licensed dealer of firearms and the tracing of the FM pistol to demonstrate that it traveled in interstate commerce. As well as the testimony of the police of Puerto Rico undercover agent, the ATF case agents, and forensic expert witnesses. Full discovery has been provided to the defendant.

/s/ Carmen M. Marquez-Marin
Assistant U.S. Attorney
Dated: 9/28/09

/s/ Joseph A. Boucher-Martinez
Joseph A. Boucher-Martinez, Esq.
Counsel for Defendant
Dated: 10/9/09

/s/ Luis Sanchez-Valle
Luis Sanchez-Valle
Defendant
Dated: 9/10/09

RECEIVED AND FILED CLERK'S OFFICE U.S. DISTRICT COURT SAN JUAN, PR

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

1) RAFAEL DELGADO-RODRIGUEZ,
aka Papoline, aka el Gruero,
2) HECTOR GOMEZ-PASTRANA,
aka Trompe,
3) RENE RODRIGUEZ-BETANCOURT,
aka Cano
4) JAIME GOMEZ VAZQUEZ,
aka Pito,

Defendants,

INDICTMENT

Criminal No. 09-253 (DRD)

Violations:
Title 18, *United States Code*, Sections 922(a)(1), 924(d) and 371;
Title 28, *United States Code*, Section 2461(c)

(FIVE COUNTS)

THE GRAND JURY CHARGES:

COUNT ONE

(Dealing firearms without a license)
Title 18, *United States Code*, Sections 922(a)(1)(A), and 371.

From on or about June 2,2008, and continuing thereafter until on or about July 9,2008, in the District of Puerto Rico, and elsewhere, within the jurisdiction of this Court

1) **RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,**
2) **HECTOR GOMEZ-PASTRANA aka Trompe,**
3) **RENE RODRIGUEZ-BETANCOURT aka Cano,**
4) **JAIME GOMEZ VAZQUEZ aka Pito,**

the defendants herein, did knowingly and willfully combine, conspire and agree together and with each other, and with diverse other persons known and unknown to the Grand Jury, to commit an offense against the United States, in that while not being licensed importers, manufacturer or dealers of firearms, as defined in Title 18, *United States Code*, Section 921(a)(3), said defendants did engage in the business of dealing firearms, as defined in Title 18, *United States Code*, Section 921(a)(21) and (22), that is, illegally selling firearms for profit, in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D), and one or more of said defendants did acts to effect the object of the conspiracy. All in violation of Title 18, *United States Code*, Section 371 and 922(a)(1)(A), 923(a) and 924(a)(1)(D).

OBJECT OF THE CONSPIRACY

It was the object of the conspiracy that co-defendants and co-conspirators,

1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero, 2) HECTOR GOMEZ-

PASTRANA aka Trompe, 3) RENE RODRIGUEZ-BETANCOURT aka Cano, and 4) JAIME GOMEZ VAZQUEZ aka Pito, would sell firearms for profit while not being licensed to engage in the selling or dealing in firearms.

OVERT ACTS

At places and dates hereinafter mentioned, and in furtherance of the execution of the conspiracy and for the purpose of carrying into effect the objects, design, and purposes of the conspiracy, co-defendants and co-conspirators,

1) **RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,**
2) **HECTOR GOMEZ-PASTRANA aka Trompe**
3) **RENE RODRIGUEZ-BETANCOURT aka Cano,**
4) **JAIME GOMEZ VAZQUEZ aka Pito,**

did do and perform, among others, the following overt acts in the District of Puerto Rico, and elsewhere:

1. On or about June 2,2008, in the municipality of Carolina, Puerto Rico, **1) HECTOR GOMEZ-PASTRANA aka Trompe,** placed a telephone call to a Police of Puerto Rico Undercover Agent, to coordinate the sale of a firearm.

2. On or about June 4, 2008, in the municipality of Carolina, Puerto Rico, **1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero, 2) HECTOR GOMEZ-PASTRANA aka Trompe,** and **3) RENE RODRIGUEZ-BETANCOURT aka Cano,** and others known and unknown, sold a firearm to a Police of Puerto Rico Undercover Agent,

that is, one (1) Bush Master Rifle, black in color, model unknown, caliber .223, serial number obliterated, and one (1) magazine loaded eighteen (18) rounds of caliber .223 ammunition.

3. On or about June 30, 2008, in the municipality of Carolina, Puerto Rico, **1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,** and **2) HECTOR GOMEZ-PASTRANA aka Trompe,** coordinated with a Police of Puerto Rico Undercover Agent the illegal sale of firearms and ammunition.

4. On or about July 3, 2008, in the municipality of Carolina, Puerto Rico, **1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,** and **2) HECTOR GOMEZ-PASTRANA aka Trompe,** and others known and unknown, sold a firearm to a Police of Puerto Rico Undercover Agent, that is, one (1) Ruger Rifle, black in color, model Mini-30, caliber 7.62, serial number 196-45798; two (2) empty magazines.

5. On or about July 8,2008, in the municipality of Carolina, Puerto Rico, **1) HECTOR GOMEZ-PASTRANA aka Trompe,** placed a telephone call to a Police of Puerto Rico Undercover Agent, to coordinate the sale of a firearm.

6. On or about July 9, 2008, in the municipality of Carolina, Puerto Rico, **1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero 2) HECTOR GOMEZ-PASTRANA aka Trompe,** and **4) JAIME GOMEZ-VAZQUEZ aka Pito,** and others known and unknown, sold a firearm to a Police of Puerto Rico Undercover Agent, that is, one (1) Chinese Rifle, black in color, model SKS, caliber 7.62, serial number obliterated.

COUNT TWO

(Dealing in firearms without a license, Aiding and Abetting)

Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D) and 2.

On or about June 4, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) **RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,**
2) **HECTOR GOMEZ-PASTRANA aka Trompe,**
3) **RENE RODRIGUEZ-BETANCOURT aka Cano,**

the defendants herein, aiding and abetting each other, not being licensed dealers or importers of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendants sold one (1) Bush Master Rifle, black in color, model unknown, caliber .223, serial number obliterated, and one (1) magazine loaded eighteen (18) rounds of caliber .223 ammunition, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a),924(a)(1)(D) and 2.

COUNT THREE

(Dealing in firearms without a license, Aiding and Abetting)

Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a), 924(a)(1)(D) and 2

On or about July 3, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) **RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,**

2) **HECTOR GOMEZ-PASTRANA aka Trompe,**

the defendants herein, aiding and abetting each other, not being licensed dealers or importers of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendants sold, one (1) Ruger Rifle, black in color, model Mini-30, caliber 7.62, serial number 196-45798; two (2) empty magazines, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a),924(a)(1)(D) and

COUNT FOUR

(Dealing in firearms without a license, Aiding and Abetting)

Title 18, *United States Code*. Sections 922(a)(1)(A), 923(a), 924(a)(1)(D) and 2

On or about July 9, 2008, in the District of Puerto Rico, and elsewhere within the jurisdiction of this Court,

1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,

2) HECTOR GOMEZ-PASTRANA aka Trompe,

4) JAIME GOMEZ-VAZQUEZ aka Pito,

the defendants herein, aiding and abetting each other, not being licensed dealers or importers of firearms within the meaning of Chapter 44, Title 18, *United States Code*, did willfully engage in the business of dealing firearms, that is, said defendants sold, one (1) Chinese Rifle, black in color, model SKS, caliber 7,62, serial number obliterated, to a Police of Puerto Rico Undercover Agent, which firearm and ammunition had been shipped or transported in interstate or foreign commerce. All in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a),924(a)(1)(D) and 2.

COUNT FIVE

(Firearms and Ammunition Forfeiture Allegation)

Title 18 *United States Code* Sections 924(d) and Title 28 *United States Code* Section 2461(c)

The allegations contained in Count One through Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c). Upon conviction of the offense in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 371 and 2, set forth in Count One through Four of this Indictment, the defendants,

1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero,

2) HECTOR GOMEZ-PASTRANA aka Trompe,

3) RENE RODRIGUEZ-BETANCOURT aka Cano,

4) JAIME GOMEZ VAZQUEZ aka Pito,

shall forfeit to the United States pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c), any firearms and ammunition involved or used in furtherance of the commission of the drug trafficking offense, including, but not limited to: one (1) Bush Master Rifle, black in color, model unknown, caliber .223, serial number obliterated, and one (1) magazine loaded with eighteen (18) rounds of caliber .223 ammunition; one (1) Ruger Rifle, black in color, model Mini-30, caliber 7.62, serial number 196-45798; two (2) empty magazines; one (1) Chinese Rifle, black in color, model SKS, caliber 7.62, serial number obliterated;

If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, *United States Code*, Section 853(p), as incorporated by Title 28, *United States Code*, Section 2461 (c). All

pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c).

TRUE BILL

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

Date: 7/28/09

/s/ José Ruiz-Santiago
José Ruiz-Santiago
Assistant United States Attorney
Chief, Criminal Division

/s/ Warren Vazquez
Warren Vazquez
Chief, Violent Crimes Unit

/s/ Carmen M. Marquez
Carmen M. Marquez
Assistant United States Attorney

RECEIVED AND
FILED
MARCH 18, 2010
PM 0:30

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAIME GOMEZ-VAZQUEZ,

Defendant.

CRIMINAL NO. 09-253 (DRD)

PLEA AGREEMENT

(Pursuant to Rule 11(c)(1)(A) & (C) of the Federal Rules of Criminal Procedure)

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through its attorneys, Rosa Emilia Rodriguez-Velez, United States Attorney for the District of Puerto Rico, Jose A. Ruiz-Santiago, Assistant United States Attorney, Chief of the Criminal Division, Warren Vázquez, Assistant United States Attorney, Chief of the Violent Crimes Unit, and Carmen M. Marquez, Assistant United States Attorney, and Jaime Gomez-Vazquez, Defendant, by and through defendant's counsel, Teodora Mendez-Lebron, pursuant to Rule 11(c)(1)(A) and (C) of the Federal Rules of Criminal Procedure and Local Rule 111, state to this Honorable Court, that they have reached an agreement, the terms and conditions of which are as follows:

I. COUNTS TO WHICH DEFENDANT PLEADS GUILTY

The defendant agrees to plead guilty to Counts One and Five of the Indictment.

Count One charges that from on or about June 2, 2008, and continuing thereafter until on or about July 9, 2008, in the District of Puerto Rico, and elsewhere, within the jurisdiction of this Court **1) RAFAEL DELGADO-RODRIGUEZ aka Papolin, aka el Gruero, 2) HECTOR GOMEZ-PASTRANA aka Trompe, 3) RENE RODRIGUEZ-BETANCOURT aka Cano,** and **4) JAIME GOMEZ VAZQUEZ aka Pito,** the defendants herein, did knowingly and willfully combine, conspire and agree together and with each other, and with diverse other persons known and unknown to the Grand Jury, to commit an offense against the United States, in that while not being licensed importers, manufacturer or dealers of firearms, as defined in Title 18, *United States Code*, Section 921(a)(3), said defendants did engage in the business of dealing firearms, as defined in Title 18, *United States Code*, Section 921(a)(21) and (22), that is, illegally selling firearms for profit, in violation of Title 18, *United States Code*, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D), and one or more of said defendants did acts to effect the object of the conspiracy. All in violation of Title 18, *United States Code*, Section 371 and 922(a)(1)(A), 923(a) and 924(a)(1)(D).

Count Five is a firearms and ammunition forfeiture allegation pursuant to Title 18, *United States Code*, Section 924(d), and Title 28, *United States Code*, Section 2461(c).

By accepting **Count Five** and as part of this agreement the defendant stipulates, acknowledges and agrees to forfeit to the United States all right, title, and interest in any firearms and ammunition involved or used in furtherance of the commission of the offense enumerated in Count One, including, but not limited to: one (1) Bush Master Rifle, black in color, model unknown, caliber .223, serial number obliterated, and one (1) magazine loaded with eighteen (18) rounds of caliber .223 ammunition; one (1) Ruger Rifle, black in color, model Mini-30, caliber 7.62, serial number 196-45798; two (2) empty magazines; one (1) Chinese Rifle, black in color, model SKS, caliber 7,62, serial number obliterated;

If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, *United States Code*, Section 853(p), as incorporated by Title 28, *United States Code*, Section 2461(c). All pursuant to Title 18, *United States Code*, Section 924(d) and Title 28, *United States Code*, Section 2461(c).

II. STATUTORY PENALTIES

The penalty for the offense charged in Count One of the Indictment is a term of imprisonment of not more than five (5) years and a fine not to exceed $250,000.00, a term of supervised release of not more than three (3) years, all pursuant to Title 18, *United States Code*, Section 924(a)(1)(D),

III. APPLICABILITY OF UNITED STATES SENTENCING GUIDELINES

The defendant is aware that pursuant *United States v. Booker*, 543 U.S. 220 (2005), the United States Sentencing Commission Guidelines Manual ("Sentencing Guidelines") is no longer mandatory and is now advisory. The defendant acknowledges that the Court may impose a sentence in accordance with the applicable provision(s) of the Sentencing Guidelines and Title 18, *United States Code*, Section 3551. The defendant is further aware that parole has been abolished and that the imposition of sentence may not be suspended.

IV. SPECIAL MONETARY ASSESSMENT

The defendant agrees to pay a special monetary assessment of one hundred dollars ($100.00), per count of conviction, to be deposited in the Crime Victim Fund, pursuant to Title 18, *United States Code*, Section 3013.

V. FINES AND RESTITUTION

The defendant is aware that the Court may, pursuant to Section 5E1.2 of the Sentencing Guidelines, order the defendant to pay a fine sufficient to reimburse the government for the costs

of any imprisonment, probation or supervised release ordered and may impose restitution. As part of this Plea Agreement, the defendant agrees to produce complete information regarding all restitution victims, and agrees to execute a financial statement to the United States (OBD Form 500). The United States will make no recommendations as to the imposition of fines or restitution.

VI. RULE 11(c)(1)(C) WARNINGS

The defendant is aware that his sentence is within the sound discretion of the sentencing judge and the advisory nature of the Sentencing Guidelines—including the Sentencing Guidelines Policy Statements, Application Notes, and Background Notes. The defendant is aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for the offense to which the defendant pleads guilty. The defendant is aware that the court may accept or reject the Plea Agreement, or may defer its decision whether to accept or reject the Plea Agreement until it has considered the presentence report. If the Court rejects the Plea Agreement, the Court shall, on the record, inform the parties of this fact and afford the defendant an opportunity to withdraw the guilty plea, and advise the defendant that if the defendant persists in a guilty plea, the disposition of the case may be less favorable to the defendant than the defendant contemplated in the Plea Agreement. In addition, as part of the terms and conditions of the Plea Agreement, the parties agree that should the Court reject the Plea Agreement, the United States reserves the right to withdraw from its obligations under the Plea Agreement.

VII. SENTENCING GUIDELINE CALCULATIONS

The United States and the defendant agree to the following Sentencing Guidelines calculations:

SENTENCE GUIDELINES CALCULATION-COUNT FOUR	
GUIDELINE SECTION	**LEVELS**
BASE offense level [USSG § 2K2.1(a)(6(A)]	14
Since the firearm had an obliterated serial number [USSG § 2K2.1(b)(4)(B)	+4
Minimal role in the offense	-4
Acceptance of Responsibility [USSG § 3E1.1(a)]	-2
Adjusted Offense Level	12
* * * Stipulation of Criminal History Category III - Since the parties agree that the defendant's criminal history is over represented.	
Applicable Guidelines Range at CHC III	15-21 months of imprisonment

VIII. SENTENCE RECOMMENDATION

The parties agree and recommend that the defendant be sentenced to a term of imprisonment of eighteen (18) months. The defendant agrees to forfeit to the United States all firearms, magazines and ammunition involved in the commission of the offense charged in Count One, as stated in Count Five of the Indictment and in pages two and there of the plea agreement.

IX. NO FURTHER ADJUSTMENTS OR DEPARTURES

The United States and the defendant agree that no further adjustments or departures to the defendant's adjusted offense level or the agreed upon sentence shall be sought by the parties. The parties agree that any request by the defendant for an

adjustment or departure will be considered a material breach of this Plea Agreement. If the defendant's Criminal History Category is different than what the parties originally believed, any request by the defendant for a sentence below the lower end of the applicable guideline range will be considered a material breach of this Plea Agreement.

X. DISMISSAL OF REMAINING COUNTS

Count Four of the Indictment will be dismissed at sentencing.

XI.SATISFACTION WITH COUNSEL

The defendant represents to the Court to be satisfied with counsel, Teodoro Mendez-Lebron, Esquire, and indicates that counsel has rendered effective legal assistance.

XII. RIGHTS SURRENDERED BY DEFENDANT THROUGH GUILTY PLEA

The defendant understands that by entering into this Plea Agreement he surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

a) If the defendant had persisted in a plea of not guilty to the charges, the defendant would have had the right to a speedy jury trial with the assistance of counsel. The trial may be conducted by a judge sitting without a jury if the defendant, the United States and the judge agree.

b) If a jury trial is conducted, the jury would be composed of twelve lay persons selected at random. The defendant and the defendant's

attorney would assist in selecting the jurors by removing prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges. The jury would have to agree, unanimously, before it could return a verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent, that it could not convict the defendant unless, after hearing all the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt, and that it was to consider each charge separately.

c) If a trial is held by the judge without a jury, the judge would find the facts and, after hearing all the evidence and considering each count separately, determine whether or not the evidence established the defendant's guilt beyond a reasonable doubt.

d) At a trial, the United States would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those witnesses and defendant's attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence on defendant's own behalf. If the witnesses for the defendant would not appear voluntarily, defendant could require their attendance through the subpoena power of the Court.

e) At a trial, the defendant could rely on the privilege against self-incrimination to decline to testify, and no inference of guilt could be

drawn from the defendant's refusal to testify. If the defendant desired to do so, the defendant could testify on the defendant's own behalf.

XIII. STIPULATION OF FACTS

The accompanying Stipulation of Facts signed by the defendant is hereby incorporated into this Plea Agreement. The defendant adopts the Stipulation of Facts and agrees that the facts therein are accurate in every respect and, had the matter proceeded to trial, the United States would have proven those facts beyond a reasonable doubt.

XIV. LIMITATIONS OF PLEA AGREEMENT

This Plea Agreement binds only the United States Attorney's Office for the District of Puerto Rico and the defendant; it does not bind any other federal district, state or local authority.

XV. AMENDMENTS TO PLEA AGREEMENT

No other promises, terms, or conditions will be entered into unless in writing and signed by all parties.

XVI. WAIVER OF APPEAL

The defendant hereby agrees that if this Honorable Court accepts this Plea Agreement and sentences the defendant according to its terms, conditions, and recommendations, the defendant waives and surrenders his right to appeal the judgment and sentence in this case.

XVII. VOLUNTARINESS OF GUILTY PLEA

The defendant acknowledges that no threats have been made against him and that he is pleading guilty freely and voluntarily because he is guilty.

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney

/s/ José Ruíz Santiago
José Ruíz Santiago
Assistant U.S. Attorney
Chief, Criminal Division
Dated: 3/15/10

/s/ Warren Vázquez
Warren Vázquez
Assistant U.S. Attorney
Chief, Violent Crimes Unit
Date: 3/15/10

/s/ Carmen M. Marquez-Marin
Assistant U.S. Attorney
Dated: 3/16/10

/s/ Teodoro Mendez-Lebron
Teodoro Mendez-Lebron, Esq.
Counsel for Defendant
Dated: 3/18/10

/s/ Jaime Gomez-Vazquez
Jaime Gomez-Vazquez
Defendant
Dated: 3/18/10

I have consulted with my counsel and fully understand all of my rights with respect to the Indictment pending against me. Furthermore, I have consulted with my attorney and fully understand my rights with respect to the provisions of the Sentencing Guidelines, including the Sentencing Guidelines Policy Statements, Application Notes, and Background Notes, which may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I fully understand this agreement and I voluntarily agree to it.

Date: 3/18/10 */s/ Jaime Gomez-Vazquez*
Jaime Gomez-Vazquez
Defendant

I am the attorney for the defendant and I have fully explained defendant's rights to the defendant with respect to the pending Indictment. Furthermore, I have reviewed the provisions of the Sentencing Guidelines, including the Sentencing Guidelines Policy Statements, Application Notes, and Background Notes, and have fully explained to the defendant the provisions of those guidelines which may apply in this case. I have carefully reviewed every part of this Plea Agreement with the defendant and, to my knowledge, the defendant is entering into this agreement voluntarily, intelligently and with full knowledge of all consequences of defendant's plea of guilty.

Date: 3/18/10 */s/ Teodoro Mendez-Lebron*
Teodoro Mendez-Lebron, Esq.
Counsel for Defendant

STIPULATION OF FACTS

In conjunction with the submission of the accompanying Plea Agreement in this case, and pursuant to Local Rule 418.2(A), the United States of America and the defendant, Jaime Gomez-Vazquez, agree that the following recitals provide a true and accurate summary of the facts leading to the defendant's acceptance of criminal responsibility for knowingly and unlawfully conspiring to sell firearms without a license to wit: On or about July 9, 2008, in Carolina, Puerto Rico, JAIME GOMEZ-VAZQUEZ, aka Pito, and others, sold a firearm to a Police of Puerto Rico Undercover Agent, that is, one (1) Chinese Rifle, black in color, model SKS, caliber 7.62, serial number obliterated.

At trial, the United States would have proven beyond a reasonable doubt that the defendant, Jaime Gomez-Vazquez, is guilty as charged in Count One of the Indictment by producing the Rifle, video recordings and photographs of the transaction, documents to prove that none of the defendants are duly license to sell firearms and documents to prove that the rifle traveled in foreign or interstate commerce. As well as the testimony of the undercover agent, the ATF case agents and forensic expert witnesses.

/s/ Carmen M. Marquez-Marin
Assistant U.S. Attorney
Dated: 3/16/10

/s/ Jaime Gomez-Vazquez
Jaime Gomez-Vazquez
Defendant
Dated: 3/18/10

/s/ Teodoro Mendez-Lebron
Teodoro Mendez-Lebron, Esq.
Counsel for Defendant
Dated: 3/18/10

Treaty of Peace between the United States of America and the Kingdom of Spain.

Signed at Paris, December 10, 1898;
Ratification advised by the Senate, February 6, 1899;
Ratified by the President, February 6, 1899;
Ratified by her Majesty the Queen Regent of Spain, March 19, 1899; Ratifications exchanged at Washington, April 11, 1899;
Proclaimed, Washington, April 11, 1899.

THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN REGENT OF SPAIN, IN THE NAME OF HER AUGUST SON DON ALFONSO XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES,

WILLIAM R. DAY, CUSHMAN K. DAVIS, WILLIAM P FRYE, GEORGE GRAY, and WHITELAW REID, citizens of the United States;

AND HER MAJESTY THE QUEEN REGENT OF SPAIN,

DON EUGENIO MONTERO RÍOS, President of the Senate,

DON BUENAVENTURA DE ABARZUZA, Senator of the Kingdom and ex-Minister of the Crown,

DON JOSÉ DE GARNICA, Deputy to the Cortes and Associate Justice of the Supreme Court;

DON WENCESLAO RAMIREZ DE VILLA-URRUTIA, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and DON RAFAEL CERERO, General of Division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude cast of Greenwich, thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes (4°

45') north latitude, thence along the parallel of four degrees and forty five minutes (4° 45') north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35') east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35') east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40') north, thence along the parallel of latitude seven degrees and forty minutes (7° 40') north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost,

the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto-Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law,

belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part

of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well

as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it

will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

[SEAL]
WILLIAM R. DAY
[SEAL]
CUSHMAN K. DAVIS
[SEAL]
WM P FRYE
[SEAL]
GEO. GRAY
[SEAL]
WHITELAW REID.
[SEAL]
EUGENIO MONTERO RÍOS
[SEAL]
B. DE ABARZUZA
[SEAL]
J. DE GARNICA

[SEAL]
W R DE VILLA URRUTIA
[SEAL]
RAFAEL CERERO

And whereas, the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the eleventh day of April, one thousand eight hundred and ninety-nine;

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this eleventh day of April, in the year of Our Lord one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.]
WILLIAM MCKINLEY

By the President:
JOHN HAY

Secretary of State.

CHAP. 191.—An Act Temporarily to provide revenues and civil government for Porto Rico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety-eight; and the name Porto Rico, as used in this Act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

SEC. 2. That on and after the passage of this Act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries: *Provided,* That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of five cents per pound, any law or part of law to the contrary notwithstanding: *And provided further*, That all Spanish scientific, literary, and artistic works, not subversive of public order in Porto Rico, shall be admitted free of duty into Porto Rico for a period of ten years, reckoning from the eleventh day of April, eighteen hundred and ninety-nine, as provided in said treaty of peace between the United States and Spain: *And provided further,* That all books and pamphlets printed in the English

language shall be admitted into Porto Rico free of duty when imported from the United States.

SEC. 3. That on and after the passage of this Act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of fifteen per centum of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Porto Rican manufacture coming into the United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon the like articles of Porto Rican manufacture: *Provided,* That on and after the date when this Act shall take effect, all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Porto Rico free of duty under orders heretofore made by the

Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this Act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the first day of March, nineteen hundred and two, on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico.

SEC. 4. That the duties and taxes collected in Porto Rico in pursuance of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until the government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof, then unexpended, shall be transferred to the local treasury of Porto Rico, and the Secretary of the Treasury shall designate the several ports and sub-

ports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof: *Provided, however*, That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

SEC. 5. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported from Porto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act, and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

GENERAL PROVISIONS.

SEC. 6. That the capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

SEC. 8. That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: *Provided,* That so much of the law which was in force

at the time of cession, April eleventh, eighteen hundred and ninety-nine, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph four, article eighty-three, chapter three, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy v. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages: *And provided further*, That paragraph one, article one hundred and five, section four, divorce, civil code, and paragraph two, section nineteen, of the order of the minister of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy v. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

SEC. 9. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to

such trade between any two great coasting districts of the United States.

SEC. 10. That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.

SEC. 11. That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico after the first day of February, nineteen hundred, at the present established rate of sixty cents in the coins of the United States for one peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this Act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection

therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however,* That all debts owing on the date when this Act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.

SEC. 12. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the. internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.

SEC. 13. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas of navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly

hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.

SEC. 14. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.

SEC. 15. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.

SEC. 16. That all judicial process shall run in the name of "United States of America, ss: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico;" and all officials authorized by this Act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Porto Rico.

THE GOVERNOR.

SEC. 17. That the official title of the chief executive officer shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner

removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided,* That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

THE EXECUTIVE COUNCIL.

SEC. 18. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of

four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

SEC. 19. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit "to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

SEC. 20. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Porto Rico, the secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

SEC. 21. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties

as may be prescribed by law, and make such reports, through the governor, to the Attorney- General of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 22. That the treasurer shall give bond, approved as to form by the attorney-general of Porto Rico, in such sum as the executive council may require, not less, however, than the sum of one hundred thousand dollars, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 23. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

SEC. 24. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as

he may require, which shall annually be transmitted to Congress.

SEC. 25. That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties, as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

SEC. 26. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

SEC. 27. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two house thus constituted shall be designated "The legislative assembly of Porte Rico."

SEC. 28. That for the purposes of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and

each district shall be entitled to five members of the house of delegates.

ELECTION OF DELEGATES.

SEC. 29. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the first day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the first day of March, nineteen hundred, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require; at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in .extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall be

paid for his services at the rate of five dollars per day for each day's attendance while the house is in session, and mileage at the rate of ten cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

SEC. 30. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico.

SEC. 31. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor, within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approves the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall

likewise be considered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by adjournment prevent its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however,* That all grants of franchises, rights, and privileges or concessions of a pŭblie or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

THE JUDICIARY.

SEC. 33. That the judicial power shall be vested in the court and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, Numbered One hundred and eighteen, as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and including also the police courts established by General Orders, Numbered One hundred and ninety-five, promulgated November twenty-ninth, eighteen hundred and ninety-nine, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attaches thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Numbered One hundred and eighteen and One hundred and ninety-five, until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent, of the executive council, and all other officials and attaches of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any

others they may deem it advisable to establish, their organization, the number of judges and officials and attaches for each, their jurisdiction, their procedure, and all other matters affecting them.

SEC. 34. That Porto Rico shall constitute a judicial district to be called "the district of Porto, Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Porto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United Statesand the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All

pleadings and proceedings in said court shall be conducted in the English language.

The United States district court hereby established shall be the successor to the United States provisional court established by General; Orders, Numbered Eighty-eight, promulgated by Brigadier-General Davis, United States volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

SEC. 35. That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of the United States shall by conducted in the English language.

SEC. 36. That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time

determine: *Provided, however*, That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, eight thousand dollars; in addition thereto be shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

The secretary, four thousand dollars.

The attorney-general, four thousand dollars.

The treasurer, five thousand dollars.

The auditor, four thousand dollars.

The commissioner of the interior, four thousand dollars.

The commissioner of education, three thousand dollars.

The chief justice of the supreme court, five thousand dollars.

The associate justices of the supreme court (each), four thousand five hundred dollars.

The marshal of the supreme court, three thousand dollars.

The United States district judge, five thousand dollars.

The United States district attorney, four thousand dollars.

The United States district marshal, three thousand five hundred dollars.

SEC. 37. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

SEC. 38. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect "the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August eighth, eighteen hundred and ninety-nine: *Provided, however,* That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed

in excess of seven per centum of the aggregate tax valuation of its property.

SEC. 39. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of five thousand dollars per annum: *Provided*, That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

SEC. 40. That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico;

and all the expenses of stich commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of five thousand dollars per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report, in both the English and Spanish languages, of all its revisions, compilations, and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this Act.

SEC. 41. That this Act shall take effect and be in force from and after the first day of May, nineteen hundred.

Approved, April 12, 1900.

CHAP. 145.—An Act To provide a civil government for Porto Rico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands belonging to the United States, and waters of those islands; and the name Porto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

BILL OF RIGHTS.

SEC. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall issue but upon probable cause, supported by bath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

That slavery shall not exist in Porto Rico,

That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico.

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, or for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico.

Contracting of polygamous or plural marriages hereafter is prohibited.

That one year after the approval of this Act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift any intoxicating drink or drug: *Provided*, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than $25 for the first offense, and for second and subsequent offenses a fine of not less than $50 and imprisonment for not less than one month or more than one year: *And provided further*, That at any general election within five years after the approval of this Act this provision may, upon petition of not less than ten per centum of the qualified electors of Porto Rico, be submitted to a vote of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico voting upon such question shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

That the rule of taxation in Porto Rico shall be uniform.

That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such

purpose only except upon the approval of the President of the United States.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

That the employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: *Provided, however,* That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of seven per centum of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto

Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

SEC. 4. That the capital of Porto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.

SEC. 5. That all citizens of Porto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: *Provided,* That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months, of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I,_____, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to

the executive secretary of Porto Rico: *And provided further,* That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

SEC. 6. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, lighthouses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Porto Rico out of the revenue in his custody.

SEC. 7 That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various

harbor works boards of Porto Rico, the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the united States for public purposes, is hereby placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: *Provided,* That the President may from time to time, in his discretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

SEC. 8. That the harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Porto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes, be, and the same are hereby, placed under the control of the government of Porto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: *Provided,* That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply

to said island and waters and to its adjacent islands and waters: *Provided further,* That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: *And provided further,* That the Act of Congress approved June eleventh, nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

SEC. 9. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: *Provided, however,* That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Porto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Porto Rico.

SEC. 10. That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in

the name and by the authority of "The People of Porto Rico"; and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

SEC. 11. That all reports required by law to be made by the governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

EXECUTIVE DEPARTMENT.

SEC. 12. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Porto Rico, so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter

provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable in Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, or summon the posse comitatus, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.

SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney, general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor, the head of which shall be

designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.

Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed, or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided . *Provided,* That the duties herein imposed upon the

heads of departments shall not carry with them any additional compensation.

SEC. 14. That the attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other officer or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested. He shall also perform such other duties not inconsistent herewith as may be prescribed by law.

SEC. 15. That the treasurer shall give bond, approved as to form by the attorney general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of $125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have

deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government or Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.

SEC. 16. That the commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law.

SEC. 17. That the commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this Act, as may be prescribed by law.

SEC. 18. That the commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve

their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of 85,000, for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: *Provided*, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditors shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the

various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law.

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law.

SEC. 22. That there shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, an executive secretary at an annual salary of $4,000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all

laws enacted by the legislature, and until otherwise provided by the legislature of Porto Rico perform all the duties of secretary of Porto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness, or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.

SEC. 23. That the Governor of Porto Rico within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as herein provided for, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session.

SEC. 24. That the President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

LEGISLATIVE DEPARTMENT.

SEC. 25. That all local legislative powers in Porto Rico, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of

representatives, and the two houses shall be designated "the Legislature of Porto Rico."

SEC, 26. That the Senate of Porto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproved or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected.

SEC. 27. That the House of Representatives of Porto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Porto Rico, as hereinafter provided. Each of the representative districts hereinafter provided for shall have the right to elect one representative, and in

addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over twenty-five years of age, and who is not able to read and write either the Spanish or English language, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected.

SEC. 28. That for the purpose of elections hereafter to the legislature the "island of Porto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Porto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said Executive Council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within thirty days after the approval of this Act, which report, when approved by the governor, shali be final.

SEC. 29. That the next election in Porto Rico shall be held in the year nineteen hundred and seventeen upon the sixteenth day of July. At such election there shall be chosen senators, representatives, a

Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year nineteen hundred and twenty, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year nineteen hundred and nineteen are hereby extended until the officials who may be elected to fill such offices in nineteen hundred and twenty shall have been duly qualified: *Provided, however,* That nothing herein contained shall be construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.

SEC. 30. That the term of office of senators and representatives chosen by the first general election shall be until January first, nineteen hundred and twenty-one, and the terms of office of senators and representatives chosen at subsequent elections shall be four years from the second of January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred, and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be

appointed to any office created by Act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired.

SEC. 31. That members of the Senate and House of Representatives for Porto Rico shall receive compensation at the rate of $7 per day for the first ninety days of each regular session and $1 per day for each additional day of such session while in session, and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel.

SEC. 32. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

SEC. 33. That the first regular session of the Legislature of Porto Rico, provided for by this Act, shall convene on the twenty-eighth day after the first election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year nineteen hundred and nineteen, and on the

second Monday in February of each second year thereafter. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than ten days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yea-and-nay vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a hill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall

likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the governor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it and it shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law: *Provided,* That the President of the United States shall approve or disapprove an Act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within thirty days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section

twenty-three of this Act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members present, be entered on the journal.

The sessions of each house and of the committees of the whole shall be open.

Neither home shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

No act or the legislature except the general appropriation bills for the expenses of the government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the

members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced m either house of the legislature after the first forty days of the session, shall become a law.

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: *Provided,* That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

No law shall be revived, or amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person,

except to an acting officer or employee elected or appointed m pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

Except as otherwise provided in this Act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as in case of other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value,

testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding 15,000, or imprisonment not exceeding five years, or both.

The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

In case the available revenues of Porto Rico for any fiscal year, including available surplus in the insülar treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall next be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after the payment of the prior classes in full, there are not sufficient revenues for any fiscal year to pay in full the appropriations for that year for the next class, then, in that event, whatever there may be to apply on account of appropriations for said class shall be distributed among said appropriations pro rata according as the amount of each appropriation of that class shall bear to the total amount of all of said appropriations for that class for such fiscal year.

No appropriation shall be made, nor any expenditure authorized; by the legislature, whereby the expenditure of the Government of Porto Rico during any fiscal year shall exceed the total revenue then provided for by law and applicable for such appropriation or expenditure, including any available surplus in the treasury, unless the legislature making such appropriation shall provide for levying a sufficient tax to pay such appropriation or expenditure within such fiscal year.

SEC. 35. That at the first election held pursuant to this Act the qualified electors shall be those having the qualifications of voters under the present law. Thereafter voters shall be citizens of the United

States twenty-one years of age or over and have such additional qualifications as may be prescribed by the legislature of Porto Rico: *Provided*, That no property qualification shall ever be imposed upon or required of any voter.

SEC. 36. That the qualified electors of Porto Rico shall at the next general election choose a Resident Commissioner to the United States, whose term of office shall begin on the date of the issuance of his certificate of election and shall continue until the fourth of March, nineteen hundred and twenty-one. At each subsequent election, beginning with the year nineteen hundred and twenty, the qualified electors of Porto Rico shall choose a Resident Commissioner to the United States, whose term of office shall be four years from the fourth of March following such general election, and who shall be entitled to receive official recognition as such Commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Porto Rico. The Resident Commissioner shall receive a salary, payable monthly by the United States, of $7,500 per annum. Such Commissioner shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to Members of the House of Representatives of the United States; and he shall be allowed the sum of $500 as mileage for each session of the House of Representatives and the franking privilege granted Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office

of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

SEC. 37. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, including power to create, consolidate, and reorganize the municipalities so far as may be necessary, and to provide and repeal laws and ordinances therefor; also the power to alter, amend, modify, or repeal any or all laws and ordinances of every character now in force in Porto Rico or municipality or district thereof in so far as such alteration, amendment, modification, or repeal may be consistent with the provisions of this Act.

No executive department not provided for in this Act shall be created by the legislature, but the legislature may consolidate departments, or abolish any department, with the consent of the President of the United States.

SEC. 38. That all grants of franchises, rights, and privileges of a public or quasi public nature shall be made by a public-service commission, consisting of the heads of executive departments, the auditor, and two commissioners to be elected by the qualified voters at the first general election to be held under this Act, and at each subsequent general election thereafter. The terms of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election, and the terms of the said elective commissioners elected at each subsequent general

election shall commence on the second day of January following their election; they shall serve for four years and until their successors are elected and qualified. Their compensation shall be $8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than $400 each during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor, and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

The interstate-commerce Act and the several amendments made or to be made thereto, the safety-appliance Acts and the several amendments made or to be made thereto, and the Act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March first, nineteen hundred and thirteen, shall not apply to Porto Rico.

The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of public carriers by rail in Porto Rico, and the Public-Service Commission hereby created shall have power to enforce such laws under appropriate regulation.

SEC. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the public-service commission equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stock or bond dividends, and in the case of public-service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section three of the joint resolution approved May first, nineteen hundred, with respect to the buying, seining, or holding of real estate. That the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, nineteen hundred and seventeen, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of five hundred acres.

JUDICIAL DEPARTMENT.

SEC. 40. That the judicial power shall be vested in the courts and tribunals of Porto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attaches thereof, shall also continue to be as now

provided until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as it may see fit, not inconsistent with this Act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico.

SEC. 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be $5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be $4,000 per annum, and a marshal for said district, whose salary shall be $3,500 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted

in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000, and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: *Provided,* That nothing in this Act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this Act. Upon the taking effect of this Act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed, and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to

sign all necessary papers and records as the acting judge of said court, without extra compensation.

SEC. 42. That the laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge" pleadings English and proceedings in said court language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

SEC. 43. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

SEC. 44. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the

United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.

SEC. 45. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico: *Provided,* That $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

SEC. 46. That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk, his deputies, interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in United States courts.

SEC. 47. That jurors and witnesses in the District Court of the United States for Porto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private

conveyance and 10 cents for each mile over any railway in going to and returning from said courts. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid $3 per day and such witnesses $1.50 per day while in attendance upon the court.

SEC. 48. That the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

SEC. 49. That hereafter all judges, marshals, and secretaries of courts now established or that may hereafter be established in Porto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico

MISCELLANEOUS PROVISIONS.

SEC. 50. That, except as in this Act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico

appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The governor, $10,000; in addition thereto be shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive departments, $5,000; chief justice of the supreme court, $6,500; associate justices of the supreme court, $5,500 each.

Where any officer whose salary is fixed by this act is required to give a bond, the premium thereof shall be paid from the insular treasury.

SEC. 51. That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the legislature shall provide.

SEC. 52. That wherever in this Act offices of the insular government of Porto Rico are provided for under the same names as in the heretofore existing Acts of Congress affecting Porto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed by this Act, excepting the heads of those departments who are to be appointed by the governor and who shall continue in office only until their successors are appointed and have qualified. The offices of secretary of Porto Rico and director of labor, charities, and correction are hereby abolished.

Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this Act.

SEC. 53. That any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor with the approval of the Senate of Porto Pico.

SEC. 54. That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public; *Provided,* That the certificate by such notary .shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

SEC. 55. That nothing in this Act shall be deemed to impair or interrupt the jurisdiction of existing courts over matters pending therein upon the approval of this Act, which jurisdiction is in all respects hereby continued, the purpose of this Act being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this Act otherwise specifically provided.

SEC. 56. That this Act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be

exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this Act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted: *Provided, however,* That all appointments made by the governor, by and with the advice and consent of the Executive Council as thus constituted, in the Executive Council as authorized by section thirteen of this Act or in the office of Executive Secretary of Porto Rico, shall be regarded as temporary and shall expire not later than twenty days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico.

SEC. 57. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided for Porto Rico or by Act of Congress of the United States; and such legislative authority shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, con- tinned in force by this Act as it may from time to time see fit.

SEC. 58. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this Act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the Act of Congress entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

UNITED NATIONS CHARTER,
ratified by the United States Senate, July 28, 1945,
59 Stat. 1031, T.S. No. 993 (1945)

* * *

CHAPTER XI: DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where

appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

* * *

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter. DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

MEMORANDUM BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE CESSATION OF TRANSMISSION OF INFORMATION UNDER ARTICLE 73 (e) OF THE CHARTER WITH REGARD TO THE COMMONWEALTH OF PUERTO RICO

Introduction

1. The United States Government, in pursuance of Article 73(e) of the Charter of the United Nations, has, in accordance with Resolution 66(I) adopted by the General Assembly of the United Nations on December 14, 1946, transmitted annually to the Secretary-General since 1946 information on Puerto Rico. During this period successive advances have been made in the growth and development of self-governing institutions in Puerto Rico and in the vesting of powers of government in the Puerto Rican people and their elected representatives. This process has reached its culmination with the establishment of the Commonwealth of Puerto Rico and the promulgation of the Constitution of this Commonwealth on July 25, 1952.

2. With the establishment of the Commonwealth of Puerto Rico, the people of Puerto Rico have attained a full measure of self-government. Accordingly, the Government of the United States has decided that it is no longer appropriate for it to submit information on Puerto Rico pursuant to Article 73(e) of the Charter.

3. Resolution 222(111), adopted by the General Assembly on November 3, 1948, states that, having regard to the provisions of Chapter XI of the Charter, it is essential that the United Nations be informed of

any change in the constitutional position and status of any non-self-governing territory as a result of which the responsible government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73(e) of the Charter. The Members of the United Nations concerned are requested by this resolution to communicate to the Secretary-General, within a maximum period of six months, such information as may be appropriate, including the constitution, legislative act or executive order providing for the government of the territory and the constitutional relationship of the territory to the government of the metropolitan country.

4. As a result of the change in the constitutional position and status of Puerto Rico as described in this memorandum, the Government of the United States considers it unnecessary to transmit further information under Article 73(e) of the Charter concerning the Commonwealth of Puerto Rico. The United States Government desires that the United Nations be fully informed of the background of this decision. Accordingly, and in pursuance of Resolution 222(III), this memorandum has been prepared and, together with a copy of the Constitution of the Commonwealth of Puerto Rico and a letter from the Governor of Puerto Rico is transmitted to the Secretary-General for circulation to the Members of the United Nations for their information.

Constitutional Development of Puerto Rico Under United States Administration

5. Puerto Rico has been administered by the United States since 1898 when Spain ceded its

sovereignty to the island under terms of the Treaty of Paris. Puerto Rico had a military government until 1900 when the United States Congress enacted the first organic law providing for a civil form of government. The establishment of the Commonwealth in July 1952 marks the culmination of a steady progression in the exercise of self-government initiated by the first organic law.

6. The first organic law, known as the Foraker Act, provided for a Governor appointed by the President of the United States, with the advice and consent of the Senate of the United States, a legislative assembly in which the lower house was elected but the upper house was composed of the heads of executive departments of the government and five other persons, all appointed by the President with the advice and consent of the Senate; and a supreme court, the members of which were also appointed by the President with the advice and consent of the Senate, justices of the lower courts being appointed by the Governor with advice and consent of the upper house of the legislature. The act provided for Puerto Rico's representation before all departments of the Federal Government by a popularly elected Resident Commissioner. The Resident Commissioner has a seat in the House of Representatives of the Congress of the United States.

7. In 1917, the scope of self-government was increased with enactment by the Congress of a second organic law known as the Jones Act. Under it, the people of Puerto Rico elected both houses of their legislature, and the popularly elected upper house advised and consented to the Governor's

appointment of justices of the lower courts. The President retained authority to appoint the Governor, the justices of the supreme court, the heads of the departments of justice and education, and the auditor, but all other heads of executive departments were appointed by the Governor. The people of Puerto Rico became citizens of the United States. The protection of a bill of rights patterned on the bill of rights of the United States Constitution was extended to Puerto Rico. Provision for representation before the various departments of the Federal Government remained. The legislature could repass a bill over the Governor's veto, but if the Governor did not then approve it, it did not become law unless it received the approval of the President.

8. In 1946, the President appointed as Governor, with the advice and consent of the Senate, a Puerto Rican who had formerly been Resident Commissioner from Puerto Rico. This was the first time that a Puerto Rican had been appointed Governor.

9. In 1947, the Congress authorized the people of Puerto Rico to elect their Governor, beginning with the general election in 1948, and provided a line of succession in the event of a vacancy in the position of Governor or of the Governor's temporary absence or disability. The elected Governor was authorized to appoint all the members of his cabinet, the heads of the executive departments, including the attorney general and commissioner of education. No change was made at that time in the provisions respecting appointment of the auditor and justices of the supreme court.

Development and Adoption of the Constitution of the Commonwealth of Puerto Rico

10. In 1948, the candidates for Governor and Resident Commissioner from Puerto Rico, who were elected by very substantial majorities, ran on a platform calling for the adoption by the people of Puerto Rico of a constitution of their own drafting, within the framework of a continuing relationship with the United States to which the people of Puerto Rico would consent. In that election, the candidates who advocated statehood for Puerto Rico and independence for Puerto Rico were defeated. An overwhelming number of candidates for the legislature who ran on the same program as the successful candidates for Governor and Resident Commissioner were also elected. In accordance with the expressed wishes of the people of Puerto Rico, there was introduced in the Congress a bill to provide for the organization of a constitutional government by the people of Puerto Rico. It was enacted on July 3, 1950 as Public Law 600, 81st Cong. (64 Stat. 319).

11. That law expressly recognized the principle of government by consent, and declaring that it was "adopted in the nature of a compact", required that it be submitted to the voters of Puerto Rico in an island-wide referendum for acceptance or rejection. If the act were approved by a majority of participating voters, the Legislature of Puerto Rico was authorized to call a constitutional convention to formulate a constitution, which would become effective upon its adoption by the people if approved by the Congress after a finding by the President that it conformed with the applicable provisions of the act

and of the Constitution of the United States. Those provisions of the Organic Act which related to matters of local government would thereupon be repealed, while the remaining provisions of the Organic Act, relating to such matters as Puerto Rico's economic relationship to the United States, the force and effect of applicable Federal laws, and continued representation in Washington, would thenceforth be known as the Puerto Rican Federal Relations Act. The Congress made only two stipulations with respect to the content of the constitution to be adopted: that it provide a republican form of government and that it include a bill of rights.

12. Four political parties participated in the campaign preceding the referendum: two advocated approval of Public Law 600, 81st Congress, one opposed it, and one was divided in its position. On June 4, 1951, 506,185 persons, 65.08 percent of the 777,675 qualified voters of Puerto Rico, participated in the referendum, and 76.5 percent of those voting approved the act. On August 27, 1951, ninety-two delegates were elected to a constitutional convention, representing the Popular Democratic, the Statehood and the Socialist parties. The convention met in September 1951, and concluded its painstaking work in February 1952. An official English and an official Spanish version of the constitution were adopted, and the text was published in the four daily newspapers of Puerto Rico in both languages. Copies of the document were distributed throughout the Island.

13. On March 3, 1952, the constitution was submitted for adoption or rejection. Of the 783,610

qualified voters, 456,471 participated in the referendum. Of these, 373,594 or 81.84 percent of those voting supported adoption of the constitution; only 82,877 or 18.16 percent of those voting disapproved it. All of the elections and referenda held in Puerto Rico in connection with the development of the constitution were on the basis of universal adult suffrage without property or literacy requirements. Puerto Rico has had universal adult suffrage since 1929. There have been no property requirements since 1906 and the last literacy requirements were removed in 1935.

14. On April 22, 1952, the President transmitted the Constitution to the Congress with his recommendation for approval, and by Public Law 447, 82nd Cong. (66 Stat. 327), signed by the President on July 3, 1952, the Congress approved the Constitution subject to certain conditions which were to be submitted for approval to the Puerto Rican Constitutional Convention. Public Law 447, in its preambular provisions, recalled that the Act of July 3, 1950 "was adopted by the Congress as a compact with the people of Puerto Rico, to become operative upon its approval by the people of Puerto Rico"; that the people of Puerto Rico had overwhelmingly approved this Act and that the Constitution of Puerto Rico had been drafted by a Constitutional Convention; that the Constitution was adopted by the people of Puerto Rico in a referendum; that the President of the United States had declared that the Constitution conformed fully with the applicable provisions of the Act of July 3, 1950 and the Constitution of the United States, that it contained a Bill of Rights, and provided for a republican form of government; and that the Congress of the United

States had considered the Constitution and found that it conformed with the stipulated requirements. The operative part of the Public Law 447 recorded the approval by the Congress of the United States of the Constitution of the Commonwealth of Puerto Rico subject to certain conditions, among which was that the following new sentence be added to Article VII: "Any amendment or revision of this Constitution shall be consistent with the resolution enacted by the Congress of the United States approving this Constitution, with the applicable provisions of the Constitution of the United States, with the Puerto Rican Federal Relations Act, and with Public Law 600, 81st Cong. adopted in the nature of a compact." The Puerto Rican Constitutional Convention considered and approved these conditions. On July 25, 1952, the Governor of Puerto Rico proclaimed the establishment of the Commonwealth of Puerto Rico under its Constitution.

Principal Features of the Constitution of the Commonwealth

15. The Constitution of the Commonwealth, as it became effective with the approval of the Congress, provides that "Its political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America" (Art. I, Section 1). The Constitution of the Commonwealth is similar to that of a State of the Federal Union. It establishes a tri-partite form of government, with a popularly elected Governor, a popularly elected bi-cameral legislature and a judicial branch. The heads of all executive departments are appointed by the Governor, with the

advice and consent of the Puerto Rican Senate; appointment of the Secretary of State also requires the consent of the House of Representatives. It should be noted that with the establishment of the Commonwealth neither the President nor the United States Senate participates in any way in the appointment of any official of the government of the Commonwealth.

16. The Legislative Assembly, which is elected by free, universal and secret suffrage of the people of Puerto Rico, has full legislative authority in respect to local matters. The Commonwealth has the power to impose and collect taxes, and to contract debts. Acts of the Legislative Assembly become law upon approval of the Governor, or, in the event that an act is vetoed by the Governor, upon its reenactment by two-thirds of the total number of members of which each house is composed. The President may no longer prevent a bill repassed over the Governor's veto from becoming law by disapproving it. The protection of a bill of rights is extended to persons in Puerto Rico. All public officials must take an oath to support the Constitution of the United States and the Constitution and laws of the Commonwealth. Amendments to the Constitution may be proposed by the Legislative Assembly, and will be voted on at a referendum, becoming effective if ratified by a majority of the electors voting thereon. The Constitution does not restrict the substance of future amendments, except to provide that they shall be consistent with the act approving the Constitution, with the applicable provisions of the Federal Constitution with the Puerto Rican Federal Relations Act, and with the act of Congress

authorizing the drafting and adoption of a Constitution.

17. The judiciary of the Commonwealth is independent under the Constitution. The justices of the Supreme Court are no longer appointed by the President but are appointed by the Governor with the advice and consent of the Senate of Puerto Rico. Justices hold office during good behavior and may be removed, after impeachment, for causes specified in the Constitution. The number of justices may be increased only by law at the request of the court itself. No judge may make a direct or indirect financial contribution to any political organization or party, or hold any elective office therein, or participate in any political campaign or be a candidate for elective office unless he has resigned his judicial office at least six months prior to his nomination. Although judgments of the Supreme Court of Puerto Rico may be appealed to the United States Court of Appeals, decisions of the United States Supreme Court have established that the Supreme Court of Puerto Rico is the final authority on the meaning of a Puerto Rican law and that its decision interpreting such a law may not be reversed unless the interpretation is "inescapably wrong" and the decision "patently erroneous"; it is not sufficient to justify reversal that the Federal Court merely disagree with the Puerto Rican Supreme Court's interpretation. There continues to be a Federal District Court in Puerto Rico, but its jurisdiction does not differ from the jurisdiction of Federal District Courts functioning within the boundaries of States.

18. Under the Constitution, there is full and effective participation of the population of Puerto Rico in the Government of Puerto Rico. Article II, section 1, provides that no discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas and requires the laws to embody these principles. Puerto Rico is divided by the Constitution into senatorial and representative districts for purposes of electing members of the Legislative Assembly, and provision is also made for election of senators and representatives elected at large. By a special procedure established by Article III of the Constitution, minority parties are assured of representation which recognizes their island-wide voting strength. Elections will be held every four years.

19. Article II, section 2, requires that the laws shall guarantee the expression of the will of the people by means of equal, direct, and secret universal suffrage and shall protect the citizen against any coercion in the exercise of the electoral franchise. Article VI, section 4, provides that every person over twenty-one years of age shall be entitled to vote if he fulfills the other conditions determined by law and prohibits depriving a person of the right to vote because he does not know how to read or write or does not own property.

Present Status of Puerto Rico

20. The people of Puerto Rico continue to be citizens of the United States as well as of Puerto Rico and the fundamental provisions of the Constitution of the United States continue to be applicable to Puerto Rico. Puerto Rico will continue to be

represented in Washington by a Resident Commissioner whose functions are not altered by the establishment of the Commonwealth. Matters of foreign relations and national defence will continue to be conducted by the United States, as is the case with the States of the Union.

21. At the request of the people of Puerto Rico and with the approval of the Government of the United States, Puerto Rico has voluntarily entered into the relationship with the United States which it has chosen to describe as a "commonwealth" relationship. The term "commonwealth" was adopted by Puerto Rico as the official English designation of the body politic created by the Constitution (the official Spanish title is "estado libre asociado"), to define the status of that body as "a state which is free of superior authority in the management of its own local affairs but which is linked to the United States of America and hence is a part of its political system in a manner compatible with its Federal structure", and which "does not have an independent and separate existence" (Resolution No. 22 of the Constitutional Convention). By the various actions taken by the Congress and the people of Puerto Rico, Congress has agreed that Puerto Rico shall have, under that Constitution, freedom from control or interference by the Congress in respect of internal government and administration, subject only to compliance with applicable provisions of the Federal Constitution, the Puerto Rican Federal Relations Act and the acts of Congress authorizing and approving the Constitution, as may be interpreted by judicial decision. Those laws which directed or authorized interference with matters of local government by the Federal Government have been repealed.

22. In Hawaii, Alaska, Guam and the Virgin Islands of the United States the chief executive is appointed by the President with the advice and consent of the Senate, not popularly elected by the people; the executive officer immediately subordinate to the Governor is appointed by the President, either alone or with the advice and consent of the Senate, but not by the Governor; and judges of the highest courts exercising local jurisdiction are appointed by the President with the advice and consent of the Senate, not by the Governor. This is so provided by their respective organic acts as enacted by the Congress. This is not the case with respect to Puerto Rico. The people of Puerto Rico will participate effectively in their government through universal, secret and equal suffrage, in free and periodic elections in which differing political parties offer candidates, and which are assured freedom from undemocratic practices by the Constitution itself. These elections will be conducted in the future, as they have been in the past, without interference by the United States. The people of Puerto Rico have complete autonomy in internal economic matters and in cultural and social affairs under a Constitution adopted by them and approved by the Congress.

23. Under the Puerto Rican Federal Relations Act, there will still be free trade with the United States, only United States coins and currency will be legal tender in Puerto Rico, and the statutory laws of the United States not locally inapplicable will, with some exceptions, have the same force and effect in Puerto Rico as in the United States. United States internal revenue laws do not apply in Puerto Rico, and the people of Puerto Rico will continue to be exempt from Federal income taxes on the income

they derive from sources within Puerto Rico. The proceeds of United States excise taxes collected on articles produced in Puerto Rico and shipped to the United States and the proceeds of customs collected on foreign merchandise entering Puerto Rico are covered into the Treasury of Puerto Rico for appropriation and expenditure as the legislature of the Commonwealth may decide.

24. The final declaration of the Constitutional Convention of Puerto Rico (Resolution No. 23), expresses the views of the people of Puerto Rico as to the status they have now achieved.

"When this Constitution takes effect, the people of Puerto Rico shall thereupon be organized into a commonwealth established within the terms of the compact entered into by mutual consent, which is the basis of our union with the United States of America.

Thus we attain the goal of complete self-government, the last vestiges of colonialism having disappeared in the principle of Compact, and we enter into an era of new developments in democratic civilization."

Conclusion

25. The United States Government, therefore, has decided that, with the entry into force on July 25, 1952, of the new constitutional arrangements establishing the Commonwealth of Puerto Rico, it is no longer appropriate for the United States to continue to transmit information to the United Nations on Puerto Rico under Article 73(e) of the Charter. This conclusion constitutes a recognition of the full measure of self-government which has been achieved by the people of Puerto Rico.

GENERAL ASSEMBLY RESOLUTION 748(VIII)

Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico

The General Assembly,

Considering that, in resolution 222(III) of 3 November 1948, the General Assembly, while welcoming any development of self-government in Non-Self-Governing Territories, considers it essential that the United Nations be informed of any change in the constitutional status of any such Territory as a result of which the government responsible for the transmission, under Article 73 e of the Charter, of information in respect of that Territory thinks it unnecessary or inappropriate to continue such a practice,

Having received the communications[7] dated 19 January and 20 March 1953 informing the United Nations of the establishment of the Commonwealth of Puerto Rico, as a result of the entry into force on 25 July 1952 of the Constitution of Puerto Rico, and stating that, in consequence of these constitutional changes, the Government of the United States of America would cease to transmit information under Article 73 e of the Charter,

Having studied the report[8] prepared by the Committee on Information from Non-Self-Governing Territories, during its session of 1953, on the question of the cessation of the transmission of

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[7] See document A/AC.35/L.121.

[8] See *Official Records of the General Assembly, Eighth Session, Supplement No. 15*, part I, section VII.

information on Puerto Rico, and presented to the General Assembly in conformity with paragraph 2 of resolution 448 (V) of 12 December 1950,

Having examined the communications of the Government of the United States of America in the light of the basic principles embodied in Chapter XI of the Charter and of all the other elements of judgment pertinent to the issue,

Considering that the agreement reached by the United States of America and the Commonwealth of Puerto Rico, in forming a political association which respects the individuality and the cultural characteristics of Puerto Rico, maintains the spiritual bonds between Puerto Rico and Latin America and constitutes a link in continental solidarity,

Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter,

1. *Takes note favourably* of the conclusions set forth by the Committee on Information from Non-Self-Governing Territories in its resolution;[9]

2. *Recognizes* that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

3. *Expresses the opinion* that it stems from the documentation provided that the association of the Commonwealth of Puerto Rico with the United

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[9] *Ibid.*, page 6.

States of America has been established as a mutually agreed association;

4. *Recognizes* that, when choosing their constitutional and international status, the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination;

5. *Recognizes* that, in the framework of their Constitution and of the compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;

6. *Considers* that, due to these circumstances, the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI of the Charter can no longer be applied to the Commonwealth of Puerto Rico;

7 *Takes note* of the opinion of the Government of the United States of America as to the cessation of the transmission under Article 73 e of the Charter of information on Puerto Rico;

8. *Considers it appropriate* that the transmission of this information should cease;

9. *Expresses its assurance* that, in accordance with the spirit of the present resolution, the ideals embodied in the Charter of the United Nations, the traditions of the people of the United States of America and the political advancement attained by the people of Puerto Rico, due regard will be paid to the will of both the Puerto Rican and American peoples in the conduct of their relations under their

present legal statute, and also in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.

459th plenary meeting,
27 November 1953.